

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-15-03 – Inclusionary Zoning Exemption for Institutional Housing

As recommended for approval by the Planning Commission following public hearing on March 10, 2015.

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This proposal exempts institutional student housing outside of the Institutional zone from the inclusionary housing requirements of Article 9. Presently, the exemption applies only to institutional student housing within the Institutional zone. The City has seen one application to develop institutional student housing outside of the Institutional zone and expects to see more in the future. The present exemption recognizes that institutional student housing is a clearly different entity than housing available to anyone. Institutional student housing provides temporary housing for students while enrolled at the institution. The principles of inclusionary housing to provide housing to an array of citizens with various income levels are not intended to apply to institutional student housing. The current exemption should apply to institutional student housing regardless of the zone wherein it is located.

Sec. 9.1.6 Exemptions

Exempt from the requirements of this article are:

- (a) Projects ~~that are located within an Institutional (I) zoning district~~ that are developed by or for an educational institution for the exclusive residential use and occupancy by that institution's students or affiliates or by the students of another educational institution. In the event that the property which received an exemption under this section ceases to be used by an educational institution for the exclusive residential use and occupancy by that institution's students or affiliates or by another educational institution, the exemption from Article 9 shall no longer apply, and compliance with the same shall be enforced accordingly;
- (b) Those dwelling units in a covered project that are produced as "replacement units," pursuant to Article 9, Part 2 and which do not produce any net new units; and,
- (c) Projects created using the Senior Housing Development Bonus pursuant to the provisions of Article 4.